



October 14, 2013

Mr. David Barnes, Planner
City of Kirkland Planning Dpt.
132 Fifth Avenue
Kirkland, WA 98033

RE: Reasonable Use Exception Justification Letter Parcel # 1238500350
91xxx – 128th Ave NE

Mr. Barnes,

The site of Mr. Rui Gong, Parcel number 1238500350, is currently vacant, and it is his intention to develop the parcel as a single-family home. H & S completed a Wetland delineation study on the property. A Type 2 wetland was identified on this property. This wetland was surveyed and is shown on the plan sheets that have been prepared as part of this proposal. Kirkland Zoning Code (KZC) requires that a 50' wetland buffer and 15' BSBL extends from the edge of this type 2 wetland. After these setbacks and the property line setbacks are applied there is no area remaining to build a structure, therefore this Reasonable Use Application has been submitted.

This project satisfies the requirements specified in KZC Section 90.140 for a Reasonable Use Exception. The relevant section of KZC are shown below *in italics with* response in regular font.

KZC 90. 140.4 Submittal Requirements

- a. *A determination and delineation of the sensitive area and sensitive area buffer containing all the information specified in KZC 90.40(3) for a wetland or based on the definitions contained in this chapter for a stream;*

H&S completed an onsite Wetland Delineation and Concept mitigation plan August 20, 2013. This delineation is pending with City of Kirkland.

- b. *An analysis of whether any other reasonable use with less impact on the sensitive area and sensitive area buffer is possible;*

The proposed development will not impact the onsite sensitive areas. A portion of the wetland buffer will be impacted, and a wetland buffer mitigation plan is proposed in order to compensate for the wetland buffer impacts. The proposed development is located as far from the onsite

wetland as possible while maintaining the City of Kirkland (COK) required front yard BSBL. Also, the clearing and grading limits have been restricted in order to minimize the site disturbance. Lastly, the proposed house footprint has been reduced so that it is only 1,750 sf including the garage area. This proposed footprint is less than the average new home footprint constructed in the COK.

- c. *Sensitive site design and construction staging of the proposal so that the development will have the least practicable impact on the sensitive area and sensitive area buffer;*

The clearing and grading limits have been restricted, and other temporary erosion control measures have been put in place in order to have the least practicable impact on the sensitive area and buffer.

- d. *A description of the area of the site which is within the sensitive area or within the setbacks or buffers required by this chapter;*

The entire site is encumbered by a wetland, stream, and their buffers. Only the eastern 40 ft. of the site is outside of the wetland.

- e. *A description of protective measures that will be undertaken such as siltation curtains, hay bales and other siltation prevention measures, and scheduling the construction activity to avoid interference with wildlife and fisheries rearing, nesting or spawning activities;*

Clearing and grading limits, filter fabric fence, and cover measures will be utilized in order to prevent siltation.

- f. *An analysis of the impact that the amount of development proposed would have on the sensitive area and the sensitive area buffer;*

None of the proposed development will take place within the onsite wetlands. However, a portion of the wetland buffer will be disturbed by clearing, grading, and construction of the home. In order to mitigate for the disturbance a wetland buffer mitigation plan has been designed. This plan includes planting of native trees and shrubs in the portions of the wetland buffer that currently is vegetated with invasive shrubs.

- g. *How the proposal minimizes to the greatest extent possible net loss of sensitive area functions;*

The onsite sensitive area will not be directly disturbed. However, its buffer will be reduced in areas. The reduced buffer area is primarily forested that provide moderate quality functions. The loss of this area will be mitigated by planting trees and shrubs in the wetland in areas vegetated by invasive blackberries, returning it to forested condition. Also the total buffer disturbance will be the minimum necessary to create a reasonable house footprint in this site.

- h. *Whether the improvement is located away from the sensitive area and the sensitive area buffer to the greatest extent possible; and*

The improvement area is as close to 128th Ave. NE as is allowed by COK code. We will reduce this set-back if permitted. This location is the furthest possible from the wetland.

Such other information or studies as the Planning Official may reasonably require.

All information requested by the planning official has been provided.

KZC 90. 140.5 Decision Criteria

a. That no permitted type of land use for the property with less impact on the sensitive area and associated buffer is feasible and reasonable, which in a residential zone shall be one single- family dwelling and in a commercial or industrial zone shall be an office use;

This parcel is zoned residential. Therefore, one single family home is reasonable. The proposed development will not impact the onsite sensitive areas. A portion of the wetland buffer will be impacted, and a wetland enhancement mitigation plan is proposed in order to compensate for the wetland buffer impacts.

Respectfully Submitted,

Mark Heckert